

CERTIFIED MAIL: RETURN RECEIPT REQUESTED
GENERAL NOTICE LETTER
URGENT LEGAL MATTER - PROMPT REPLY NECESSARY

Bunge Street Properties, LLC
Registered Agent for Bunge Steet Properties, LLC
Christian G. Vaccari
217 North Columbia Street
Covington, Louisiana 70433

**Re: SBA Shipyard Superfund Site, Jennings, Jefferson Davis Parish, Louisiana;
CERCLIS #: LAD008434185; General Notice Letter and Opportunity to Meet**

Dear Sir/Madam:

The purpose of this letter is to provide Bunge Street Properties, LLC (hereinafter Bunge Street Properties, LLC is referred to as “Bunge Street,” “you” or “your”), with written notice of Bunge Street potential liability at the SBA Shipyard Superfund Site (Site) located in Jennings, Jefferson Davis Parish, Louisiana. Information available to the U.S. Environmental Protection Agency (EPA) indicates that Bunge Street is the current owner of the northern portion of the Site (See Enclosure B).

In May 2015, the EPA initiated a removal action at the Site under the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA). The OPA removal action is currently being conducted simultaneously with the emergency removal action (ER) at the Site. The ER will address the immediate threat posed by a buried barge with high concentrations of PAHs and waste under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The buried barge could potentially overflow and cause more contamination during rainy weather conditions. The OPA removal action is projected to be completed in October 20015.

A Superfund Site is a place that is contaminated with hazardous substances at levels that may present a threat to human health or the environment. Under Sections 106 and 107 of CERCLA, 42 U.S.C. §§ 9606 and 9607, potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health and welfare or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site. PRPs include current and former owners and operators of the Site, as well

as persons who sent or transported hazardous substances to the Site for disposal or treatment or who arranged for the disposal or treatment of hazardous substances at the Site.

You have been identified as someone who is the current owner of the Site and/or arranged for disposal or treatment of a hazardous substance at the Site. Enclosure A explains the General Notice and explains the basis for the EPA's determination that you are a PRP and offers you the opportunity to enter into an Administrative Order on Consent (AOC). As you will see, the Notice requests your cooperation in conducting response actions at the Site. Also included in this letter as Enclosure C is the Small Business Resource Fact Sheet, Enclosure D list the parties receiving this letter and Enclosure D is the AOC and a Statement of Work.

We encourage you to give this matter your immediate attention and request that you provide a response within seven (7) calendar days of your receipt of this letter. Thank you in advance for your cooperation. We look forward to working closely with you in the future. If you have questions regarding the notice or any of the documentation included, please contact Mr. Kenneth Talton at 214-665-7475. Questions concerning legal matters should be directed to EPA attorney Ms. I-Jung Chiang, at 214-665-2160. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E.
Associate Director
Technical and Enforcement Branch (SF-T)
Superfund Division

cc:

Bunge Street Properties, LLC
217 North Columbia Street
Covington, Louisiana 70433

Enclosures

- A General Notice
- B Evidentiary Documents
- C Small Business Resource Fact Sheet
- D Parties Receiving this General Notice letter
- E Administrative Order on Consent and Statement of Work

ENCLOSURE A

SBA SHIPYARD SUPERFUND SITE JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA INFORMATION REQUEST

GENERAL NOTICE

This Notice is from the U.S. Environmental Protection Agency (EPA). This Notice is directed to you, the Potentially Responsible Party (PRP) of the SBA Shipyard Superfund Site. This Notice does six things:

1. This Notice tells you that you may be responsible for the presence of hazardous substances found at the Site. When we say "Site" or "property" in this Notice, we mean the SBA Shipyard Superfund Site located on the west bank of the Mermentau River at the end of Louisiana Highway 3166 approximately four miles southeast of Jennings, Louisiana and approximately two miles southwest of the Mermentau River. SBA is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is within Section 19 of Range 2W, Township 10S. The facility was used to construct, repair and clean out barges and other marine vessel during the mid-1960's to the early 1990's. This Notice is issued under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund).
2. This Notice provides background information leading up to the EPA's investigation of the Site and the EPA's activities to determine the source of the contamination.
3. This Notice invites you to meet and enter into an Administrative Order on Consent (AOC) as a Settling Party regarding the cleanup of this Site and includes a general description of the Work to Be Performed in a removal action at the Site.
4. This Notice explains that the EPA will consider your ability to pay in determining an appropriate settlement amount.
5. The EPA is providing information regarding small business owners.
6. This Notice provides a Draft Administrative Order on Consent and a Statement of Work for your review and consideration.

NOTICE THAT YOU MAY BE LIABLE

Under Section 107 of CERCLA, 42 U.S.C. § 9607, responsible parties are those who are current owners or operators of a facility, past owners or operators who owned or operated the facility at the time hazardous substances were released or disposed of at the facility, persons who arranged for disposal or treatment at the facility (usually the person(s) who generated the hazardous substance) or persons who selected that facility and transported the hazardous substances to the facility. Section 107 of CERCLA, 42 U.S.C. § 9607, states that responsible parties are liable to the United States for the costs it has incurred or will incur conducting a response action such as that proposed for the USOR Superfund Site. A PRP is therefore responsible for performing the cleanup action in accordance with the EPA requirements, paying for the cleanup by the EPA and reimbursing the Federal Government for past and future costs of the cleanup activities.

BACKGROUND

The SBA Shipyard Superfund Site (Site) is situated on approximately 98 acres of land located in a rural-industrial area, at 9040 Castex Landing Road, Jennings, Jefferson Davis Parish, Louisiana. The facility is located in south Jennings, LA and bordered to the north by residents, south and west by wetlands, and to the east by the Mermentau River. Access to the property is restricted with fencing and locked gates.

SBA Shipyards, Inc., (SBA) was incorporated in the state of Louisiana on June 2, 1965, for the purpose of construction, repair, retrofitting, cleaning of barges and other marine vessels. SBA operated a barge cleaning facility at the Site from 1965 to 1993. The facility is now inactive and abandoned.

Barges serviced at the Site typically held diesel, coal tar, crude oil, gasoline and asphalt. Wastes from the barge cleaning operations were managed in a waste management area that included four impoundments, a land treatment unit (LTU) and storage tanks. The wastes consisted of petroleum hydrocarbons which are the primary contaminants. The hydrocarbons were separated from the water into surface impoundments that were known as the Oil Pit, Water Pit 1, Water Pit 2 and Water Pit 3. Water was recycled to barge cleaning and some of the water was converted to steam for the cleaning operations.

Numerous attempts were made to bio-remediate and close the impoundments which began in 1989. In 1991 the bioremediation was determined to be unsuccessful. Land treatment of wastes continued through 1993.

On December 9, 2002, SSIC Remediation, L.L.C., (SSIC) entered into an Order and Agreement for Interim Measures/Removal Action (IM/RA) of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., pursuant to Resource Conservation Recovery Act (RCRA) Section 3008(h) with the U.S. Environmental Protection Agency (EPA). Approximately 33.8 million pounds of oils, waxes and sludges, pumpable oily material and oily tank heels, 70 tons of contaminated debris and 88 tons of recyclable scrap steel were removed from the Site.

As part of the IM/RA, the Oil Pit and wastes from the storage tanks were stabilized and solidified for off-site disposal. Approximately 750,000 gallons of uncontaminated pond water were pumped from the former Water Pit to the drainage ditch that drains to the Mermentau River. The emptied Water Pit was then used to receive treated storm water from the partially buried barge. Pumpable oil materials were

removed and buried which was then used to store contaminated storm water prior to treatment and discharge to the emptied Water Pit.

In September 2012, the Louisiana Department of Environmental Quality (DEQ) referred the Site to EPA for potential removal/remedial action. In May 2013, EPA conducted a Preliminary Assessment of the site and the final report which is dated June 3, 2013, confirmed the contamination of the site referenced above. On October 23 and 25, 2013, the United States Coast Guard responded to a release from an on-site buried barges.

PARTICIPATION

The EPA is inviting PRPs with significant contributions to the Site to enter into an Administrative Order on Consent (AOC) to cleanup the Site within thirty (30) calendar days of your receipt of this letter. In addition to avoiding the costs of litigation, settling with the EPA provides you with another advantage. Under the Superfund law, settling with the EPA helps protect you should another responsible party sue you for costs which that party pays to the EPA. Also, if you choose not to settle with the EPA, then the EPA may take civil administrative action and, ultimately, the EPA may request civil judicial action. A list of parties receiving this General Notice letter is included as Enclosure D to this letter.

OPPORTUNITY TO MEET

The EPA will provide you an opportunity to meet with EPA representatives to discuss your liability. If you wish to participate in such a meeting, you must inform Mr. Kenneth Talton in writing within the time frame stated below. The meeting is scheduled for 10:00 am, CST, October 28, 2015, in the EPA Regional Office located in Dallas, Texas. Please notify Mr. Talton whether or not you plan to attend the meeting in Dallas.

FINANCIAL CONCERNS/ABILITY TO PAY SETTLEMENTS

In accordance with Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7), EPA will review financial information that you submit in order to determine whether you have an inability or a limited ability to pay response costs incurred at the Site. As part of this review, EPA will take into consideration your overall financial condition and demonstrable constraints on your ability to raise revenue.

Based upon the financial information that you may submit, EPA will determine whether it can qualify for a reduction in the settlement amount and/or an alternative payment method within the meaning of Section 122(g)(7) of CERCLA, 42 U.S.C. § 9622(g)(7).

If you believe that you qualify for a reduction in any settlement amount and/or alternative payment amount under the criteria described in the paragraph above, please contact Mr. Kenneth Talton, at 214-665-7480 for information on "Ability to Pay Settlements." In response, you will receive a package of information about the potential for such settlements. If the EPA concludes that you have a legitimate inability to pay the full amount of the EPA's costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that because the EPA has a potential claim against you, if your financial status changes in any significant way, i.e., filing for bankruptcy, you must include the EPA as a creditor.

RESOURCES AND INFORMATION FOR SMALL BUSINESSES

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

<http://www.epa.gov/swerosps/bf/sblrbra.htm>

and review the EPA guidance regarding these exemptions at:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund>

The EPA has created a number of helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at www.epa.gov.

In addition, the EPA Small Business Ombudsman may be contacted at www.epa.gov/sbo. Finally, the EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter (Enclosure C).

YOUR RESPONSE TO EPA

In addition to oral notification, please notify Mr. Talton in **writing** at the address indicated below ***within seven (7) calendar days of the date of receipt of this letter*** to indicate your willingness to enter an AOC to perform the Work and reimburse the Federal Government for future oversight costs of the cleanup activities. **If the EPA does not receive your written response within seven (7) calendar days, the EPA will assume you do not wish to enter into the AOC and the EPA will then take whatever actions are necessary to abate the potential threat to human health and the environment posed by contaminants on the property.**

Your response to this letter and questions regarding the matters in this letter should be directed to:

Mr. Kenneth Talton, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733
talton.chuck@epa.gov

If you or your attorney have legal questions pertaining to this matter, please direct them to:

Ms. I-Jung Chiang, Attorney
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733
Chiang.IJung@epa.gov

The discussions of fact or law in this Notice are meant to help you understand CERCLA and the EPA's actions at the Site. The discussions of fact and law are not final positions on any matter discussed in this Notice.

ENCLOSURE B

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA**

EVIDENTIARY DOCUMENTATION

Property Records

ENCLOSURE C

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
INFORMATION REQUEST**

SMALL BUSINESS RESOURCES FACT SHEET

ENCLOSURE D

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
INFORMATION REQUEST**

PARTIES RECEIVING THIS GENERAL NOTICE LETTER

Bunge Street Properties, LLC
Registered Agent for Bunge Steet Properties, LLC
Christian G. Vaccari
217 North Columbia Street
Covington, Louisiana 70433

Suzanne Smaihall Cornelius
6430 Buffalo Speedway
Houston, Texas 77005

ENCLOSURE B

**SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
INFORMATION REQUEST**